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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,878	08/15/2001	Christopher Tzann-en Szeto	YHOOP001	1810

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EXAMINER

BAROT, BHARAT

ART UNIT PAPER NUMBER

2155

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,878

Applicant(s)

SZETO, CHRISTOPHER TZANN-EN

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) 17-23, 32 and 33 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 and 24-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/21/2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

PD

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The disclosure is objected to because of the following informalities: The specification does not contain the Serial Numbers of the related US Patent Applications.

Appropriate correction is required.

Drawings

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-16 and 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Parker et al (U.S. Patent No. 6,677,976). Parker's patent meets all the limitations for claims 1-16 and 24-31 recited in the claimed invention.

6. As to claim 1, Parker et.al teach a method of sharing an instant messaging environment (figures 7-9) comprising: selecting the instant messaging environment from a set of stored instant messaging environments (figure 8; column 7 lines 47-56); transmitting an instant messaging environment identifier corresponding to the selected instant messaging environment from a transmitting instant messaging application to a receiving instant messenger application; receiving the instant messaging environment identifier at the receiving instant messenger application (figures 8-9; and column 8 lines 7-36); retrieving the stored instant messaging environment corresponding to the instant messaging environment identifier; and activating the instant messaging environment in the receiving instant messaging application (figure 3; and column 5 line 15 to column 6 line 30).

7. As to claims 2-4, Parker et al teach that determining whether the transmitting instant messaging application is an eligible instant messaging application; and the selected instant messaging environment corresponding to the transmitted instant messaging environment identifier is stored on the receiving instant messaging application or had expired (figures 7-9; and column 7 line 22 to column 8 line 52).

8. As to claims 5-6, Parker et al teach that downloading the selected instant messaging environment from a source that stores the instant messaging environment (figure 3; and column 6 lines 3-30); and disclose that the instant messaging environment identifier is transmitted with an instant message (column 8 lines 7-36).
9. As to claims 7-11, Parker et al teach that the instant messaging environment specifies a background and an animation for a history window; and functions that execute when certain words are included in a message, combinations of words, and emoticons are included in a message (figures 7-8; and column 7 line 23 to column 8 line 24).
10. As to claims 12-13, Parker et al teach that the instant messaging environment includes a link and a watermark (column 7 lines 47-56; and column 8 lines 7-36).
11. As to claim 14, Parker et al teach that the instant messaging environment redefines user interface commands (column 2 lines 32-40; column 6 lines 3-30; and column 8 lines 25-52).
12. As to claims 15-16, Parker et al teach that tracking whenever an instant messaging environment identifier is sent and when a certain function contained in an instant messaging environment is executed (figures 7-8; and column 7 line 23 to column 8 line 24).

13. As to claims 24-27, they are also rejected for the same reasons set forth to rejecting claim 1 above, since claims 25 is are merely an apparatus, claims 24 and 27 are merely a program product, and claim 26 contains same method of steps for the method of operation defined in the claim 1.

14. As to claim 28, Parker et al disclose that a system for sharing an instant messaging environment comprising: a memory configured to store a set of instant messaging environments; a processor configured to select the instant messaging environment from the set of stored instant messaging environments; and an interface configured to transmit an instant messaging environment identifier corresponding to the selected instant messaging environment (figures 7-9; and column 7line 23 to column 8 line 52).

15. As to claims 29-30, they are also rejected for the same reasons set forth to rejecting claim 28 above, since claim 29 is are merely a method of operation and claim 30 is merely a program product for the apparatus defined in the claim 28.

16. As to claim 31, Parker et al disclose that a system for implementing an instant messaging environment comprising: an interface configured to receive an instant messaging environment identifier at a receiving instant messenger application; a memory configured to retrieve a stored instant messaging environment corresponding to the instant messaging environment identifier; and a processor configured to activate

the instant messaging environment (figures 7-9; and column 7 line 23 to column 8 line 52).

Additional References

17. The examiner as of general interest cites the following references.
- a. Dodrill et al, U.S. Patent No. 6,807,565.
 - b. Robinson et al, U.S. Patent No. 6,760,580.
 - c. Kay et al, U.S. Patent No. 6,430,602.

Content Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (571) 272-3979. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

June 03, 2005


BHARAT BAROT
PRIMARY EXAMINER